

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

MAURICE MICKLING,
Petitioner,
v.
WARDEN TRATE,
Respondent.

No. 1:22-cv-00010 JLT SKO (HC)
ORDER DENYING SECOND MOTION FOR
DEFAULT JUDGMENT
(Doc. 15)

On March 10, 2022, Petitioner filed a motion for default judgment. (Doc. 9.) The Court denied the motion on April 11, 2022. (Doc. 12.) On April 29, 2022, Petitioner filed a motion in which he again requests judgment be entered in his favor, asserting Respondent failed to comply with the deadline ordered by the Court. (Doc. 15 at 1-2.) However, Respondent was granted an extension of time to file an answer, and the deadline was extended to May 10, 2022. (Doc. 14.) As a result, the deadline has not expired.

Moreover, as the Court explained in its prior order, even if Respondent fails to timely file an answer, Petitioner would not be entitled to default judgment. *Gordon v. Duran*, 895 F.2d 610, 612 (9th Cir. 1990); *see also Bleitner v. Welborn*, 15 F.3d 652, 653 (7th Cir. 1994).

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1 Accordingly, the Court **ORDERS**: Petitioner's motion for entry of judgment in his favor
2 (Doc. 15) is **DENIED**.

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4 IT IS SO ORDERED.

5 Dated: **May 2, 2022**


UNITED STATES DISTRICT JUDGE